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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/560,518

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EXAMINER

KHANNA, MADHU

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/560,518	<b>Applicant(s)</b> BOUJARD ET AL.	
	<b>Examiner</b> MADHU KHANNA	<b>Art Unit</b> 2451	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 12-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This communication is in response to Amendment filed 07/07/2008 under 37 C.F.R. 1.111. Claims 1-11 have been cancelled and claims 12-21 have been added. Claims 12-21 remain pending.

### ***Claim Rejections - 35 USC § 112***

2. The cancellation of claims 1 and 5 regarding the rejection under 35 U.S.C. 112 has been considered. The cancellation obviates previously raised objection, as such the rejection is hereby withdrawn.

### ***Response to Arguments***

3. Regarding claim 12 and 21 rejected under Carapelli (US 2004/0054601) as being unpatentable, it is argued that the reference does not teach the claimed limitation as recited. Specifically, verifying an availability of said remote-controlled computer system by said centralized computer system.

In response to the above argument, applicant's interpretation of the applied references has been carefully reviewed. Carapelli teaches checking, or verifying, the functioning state of a vending machine, or remote-controlled computer system, when a service is requested by a calling communicator. Specifically, in the case of Carapelli, a user desires a product or a service provided by the vending machine. When the user connects with the operator and requests the product or service, the operator checks the functioning state of the vending machine from which the product or service is being

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requested. Depending on the functioning state of the vending machine, the product or service may or may not be available for the user. Particularly, if the vending machine is functional, then the vending machine is available to service the request of the user and if the vending machine is dysfunctional then the vending machine is unavailable and unable to provide the product or the service to the user. The availability of the remote-controlled computer system is therefore interpreted as the ability of the computer system, or vending machine, to be remotely controlled to provide a service.

The broadest reasonable interpretation in light of the specification has been applied to argued claim limitations, namely, “verifying an availability of said remote-controlled computer system by said centralized computer system”. Applicant is urged to amend claim language if the claim is not to be interpreted as noted above.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 12, 13 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Carapelli (US 2004/0054601).

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Regarding claim 12, Carapelli teaches a remote control process comprising:

opening a first communication session through an intermediary (access point 7 of FIG. 1) of a telecommunication network (5 of FIG. 1) between a calling terminal (customer with digital mobile communicator 6 of FIG. 1) and a centralized computer system (4 of FIG. 1) (communicator 6 can connect to the Internet through a network access point 7 in order to communicate with the operator 4 by a web server 9 of the operator, [0039]);

sending an identifier of a user of said calling terminal to said centralized computer system (the communicator 6 transmits to the web server 9 a customer ID, [0040]);

sending an identifier of a remote-controlled computer system (code 8 of the machine 2) to said centralized computer system, the steps of sending being through the intermediary of the telecommunication network [0041]-[0042];

verifying said identifier of the user by said centralized computer system (operator can verify whether the customer is a purchaser already identified in the second database DB2, [0040]);

verifying an availability of said remote-controlled computer system by said centralized computer system (check the functioning state of the vending machine 2, [0042]);

sending an authentication from said centralized computer system to said remote-controlled computer system (authorize the machine to perform a sale, [0042]); and

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executing an authorized command by said remote-controlled computer system (the vending machine 2 is commanded by the operator 4 to supply the requested product or service, [0043]).

Regarding claim 13, the remote-controlled process of Claim 12, further comprising:

communicating between said remote-controlled computer system and said calling terminal such that said remote-controlled computer system sends said identifier thereof to said calling terminal, the step of communicating occurring prior to the step of sending the identifier of said remote-controlled computer system (the RF interface 10 automatically transmits the code 8 to the customer communicator 6, [0047]).

Regarding claim 21, this system claim comprises limitation(s) substantially the same as those discussed on claim 12 above, same rationale of rejection is applicable, wherein the process steps further comprise the modules for performing respective function/steps discussed therein, same rationale of rejection is applicable.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 14-16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carapelli in view of Silberberg (US 2003/0010821).

Regarding claim 14, Carapelli does not explicitly disclose communicated a representative message of unauthorized utilization from said remote-controlled computer system when an unauthorized use of said remote-controlled computer system occurs.

Silberberg teaches the remote-controlled process of Claim 12, further comprising:

communicating a representative message of unauthorized utilization from a remote-controlled computer system (parking meter having communication means, [0014]) when an unauthorized use of said remote-controlled computer system occurs (overstay of a vehicle, [0021]; [0055]).

It would have been obvious to one of ordinary skill at the time of the claimed invention given the desirability of Carapelli for a system/method for implementing a service in an intelligent telecommunication network comprising a product/service order, regarding a remote-controlled terminal (e.g. parking meter), made by a caller to a remote control center, and using charge and location data to grant the request, the teachings of Silberberg which implement the same remote server concept for a parking

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system. One would be motivated to combine these teachings because in doing so the system/method of Carapelli would be enhanced by offering additional functionality and features, such as the ability to make requests in advance, and/or utilizing sensors to detect a user in the vicinity of the device.

Regarding claim 15, Silberberg teaches the remote-controlled process of Claim 12, further comprising:

acknowledging a command by said remote-controlled computer system (parking meter) to at least one of said centralized computer system (control station) and said calling terminal (user) (the control station transmits data to the communication means of the parking meter to cause the parking meter to indicate that payment has been made for the parking space for a particular time period, [0016]).

Regarding claim 16, Silberberg teaches the remote-controlled process of Claim 12, further comprising:

selecting a time of activating the command by said remote-controlled computer system (information from the mobile telephone concerning the time required for parking and the time parking is to commence, [0059]), the step of executing the command occurring at the selected time (when the user telephones the parking station upon arrival and transmits the code, the code is compared by a computer or server at this station so as to allow access to the parking station, [0060]).



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Regarding claim 19, Silberberg teaches the remote-controlled process of Claim 12, further comprising:

communicating between another calling terminal (user) and said remote-controlled computer system (parking bay); and

executing an order by said remote-controlled computer system (parking bay) in response to the communication between said another calling terminal and said remote-controlled computer system (the users call may be received by the receiver within the parking bay which transmits data to a central location, [0011]).

6. Claims 17-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carapelli in view of Banerjee et al. (US 2003/0061094).

Regarding claim 17, Carapelli does not explicitly disclose detecting an end of utilization by said remote-controlled computer system.

Banerjee teaches the remote-controlled process of Claim 12, further comprising:  
detecting an end of utilization by a remote-controlled computer system (the APD machine then determines whether the user wishes to make another selection. If no, then the process ends, [0042]).

It would have been obvious to one of ordinary skill in the art at the time of the claimed invention given the desirability of Carapelli for a system/method to automate vending machine requests from customer by use of a remote control station, the

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teachings of Banerjee for providing products to a user by means of an automated dispensing machine. One would be motivated to combine these teachings because in doing so the services of Carapelli would be improved by managing a precise inventory of all the items and increasing customer satisfaction by compensating the customer for any inconveniences.

Regarding claim 18, Banerjee teaches the remote-controlled process of Claim 17, further comprising:

opening a communication session (service discovery gateway) between said remote-controlled computer system (APD machine) and said centralized computer system (service discovery system) when said remote-controlled computer system is available (the service discovery gateway uses and maintains the service registry to maintain an accurate reflection of currently available services in the micronetwork, [0047]).

Regarding claim 20, Banerjee teaches the remote-controlled process of Claim 12, further comprising:

interrogating said remote-controlled computer system by a party; and  
providing status data of said remote-controlled computer system to said party (a user may use a client to query a service discovery gateway about the location of available services, [0049]).

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MADHU KHANNA whose telephone number is (571)270-3629. The examiner can normally be reached on Monday-Thursday 8:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. K./

Examiner, Art Unit 2451

/Salad Abdullahi/

Primary Examiner, Art Unit 2457